



# VIRGINIA DEFENSE FORCE

## VDF 200: VDF History



# VDF 200 Purpose

***Action: Discuss highlights of militia and specifically Virginia militia history and law***

***Conditions: Interactive classroom***

***Standard: Be able to explain the highlights of Virginia militia history and law***

- **\*SILENCE CELLPHONES**
- **\*50/10 TIMEKEEPER**
- **\*SIGN IN FOR CREDIT**
- **\*TESTABLE**
- **\*SAFETY BRIEF**





# Course Objectives

---

**At the completion of this period of instruction, you should be familiar with the following:**

- **Explain the history of militias, from ancient times to modern American militias**
- **Describe the history of Virginia militias**
- **Understand the difference between the VDF and its predecessor militias**
- **Basic Constitutional and Code Law Understanding of Interrelationship between The Regular, Reserve, National Guard Militia, and State Militia**

# References

- ***Serving Commonwealth and Country, By CW2 John W. Listman, Jr. (Ret.)***
- ***VDF Bugler, June 2013***





# Virginia Militia History



# Timeline



- **Colonial Jamestown (1607)**
- **Revolutionary War (1776)**
- **Before & After the American Civil War**
- **World War I (1917)**
- **World War II (1941)**
- **After the Vietnam War**
- **1980's to Today**





# Colonial Jamestown



- **In 1607 the Virginia Militia was formed as a part of the British Militia system**
  - **Intended to provide an organized defense against attacks, and**
  - **To give the Governor a body of men capable of bringing order during a disaster.**



# Colonial Jamestown



- **Woodcut illustration showing surprise Indian attacks launched across Virginia in 1622.**





# Seven Years War



- **The Virginia Regiment was formed by Governor Dinwiddie in 1754 out of the Virginia Militia.**
- **Its commander was George Washington.**
- **Major engagement was Battle of Fort Necessity in 1754**
- **Its colors were retired in 1758 and members were returned to the Virginia Militia.**



# American Revolution



- **The Virginia militia saw much action during the revolutionary war.**
- **They took part in many campaigns under the leadership of COL Washington.**



# Before & After American Civil War



- **In 1846, the main county units mustered for service in the Mexican-American War**
- **Virginia Regiment did not actually deploy west, and they were sent back to their homes and colors cased in 1848.**
- **These units formed the nucleus of the Virginia Divisions of the Confederacy in the Civil War**



# Before & After American Civil War



• Usually referred to as ‘young Confederates off to war’ this photograph actually shows members of Company A, First Virginia Infantry, the “Richmond Grays,” at John Brown’s execution in 1859.



# Before & After American Civil War



**Members of the 6th Virginia Volunteer Infantry on mobilization day for the Spanish American War in 1898. Like the three white Virginia regiments they saw no combat and returned home in 1899.**





# World War I



- **The various county units were organized and evolved into U.S. Cavalry and Infantry forces for WWI and WWII after the National Guard Act in 1903.**
- **In World War I the Virginia Volunteers served from 1917 to 1921 as a military force to ensure public order and security.**

**116<sup>th</sup> in World War I**





# After World War I



• **Members of the “Farmville Guard”, Company G, 2nd Battalion, 116th Infantry standing guard at a bridge on the outskirts of Danville in the winter of 1930-1931.**





# World War II



- **In World War II the Virginia Protective Force served from 1940 to 1944.**
- **As the officers chose and assigned units around the planning charts, General George C. Marshall insisted that the 116th take part in the first infantry assault waves of D-Day.**
  - **Marshall – a Virginia Military Institute graduate – was keenly aware of history and, as the accounts suggest, wanted to make sure that the Institute and The Valley would be accounted for on the historic day.**
- **The Virginia State Guard from 1944 through 1947 protected the Commonwealth until National Guard reorganization.**



# After Vietnam



- **1973 Total Force Policy** requires all active and reserve military organizations be treated as a single integrated force
- **Reinforced original intent of the founding fathers (a small standing army complemented by citizen-soldiers.)**



# 1980's to Present



- **In 1984 the Virginia State Guard was reformed to provide a military force should the National Guard be mobilized and sent overseas in an emergency.**
- **In 1986 the Virginia State Guard was reorganized as the Virginia Defense Force, and in 1989 the VDF was reorganized as a cadre Light Infantry Division.**





# 1980's to Present



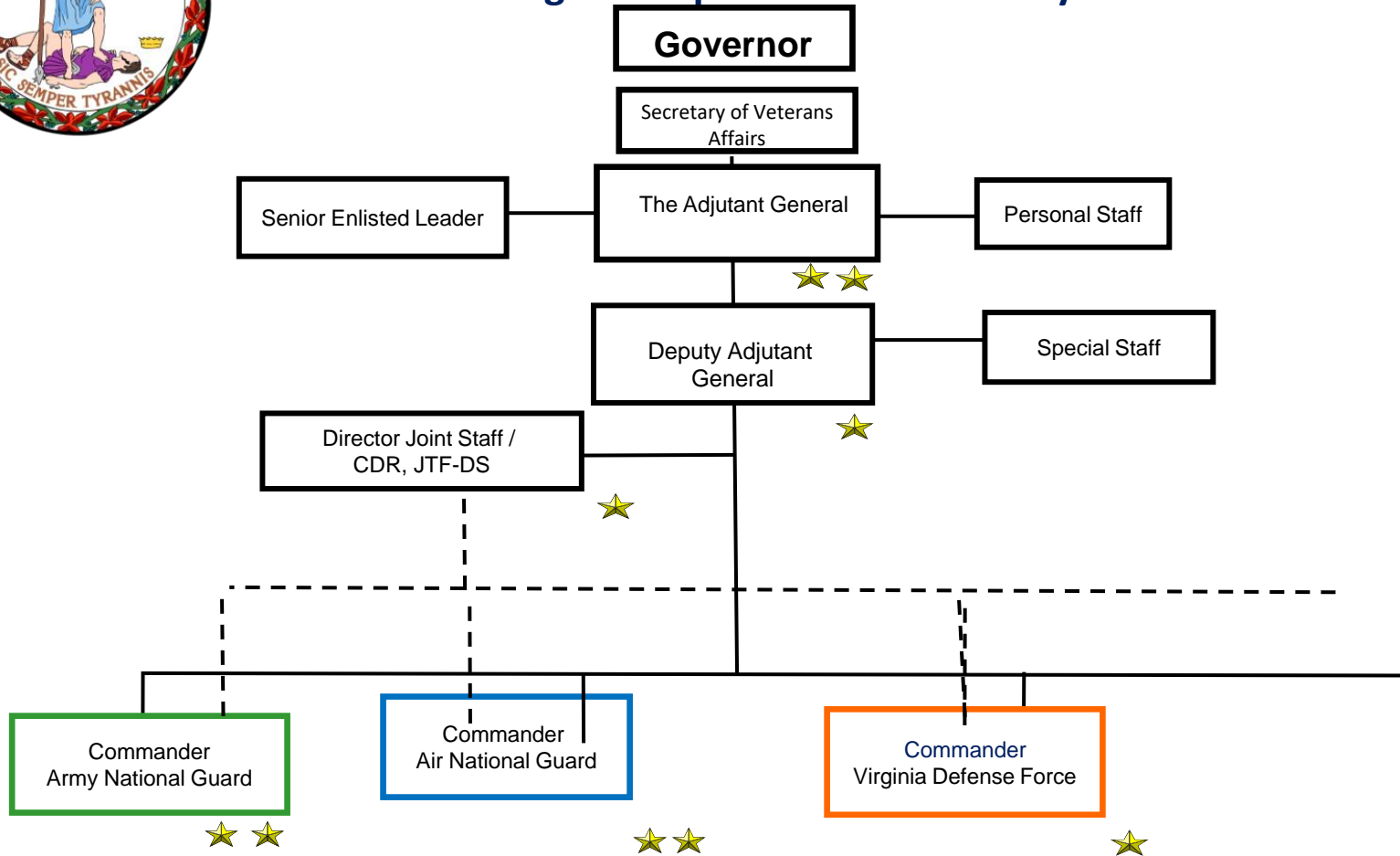
- **During the Persian Gulf War (1990-1991), VDF units assumed control of the Armories of Virginia Army National Guard units deployed overseas.**
- **In 1993, the VDF began an in-depth study of future roles and missions.**
- **This has resulted in a shift of mission focus from security to disaster relief.**



# Militia Law



## Virginia Department Of Military Affairs



----- Denotes Tasking Authority



# **Military Laws of Virginia (Specific to the VDF)**



- **The purpose and the specific nature of the Military Laws of the U.S. & Virginia; serving as “enabling legislation.”**
- **The basis in U.S. laws for the provision and legal existence of State Guards/State Defense Forces/SMRs.**
- **The basis in the laws of the Commonwealth of Virginia for the legal existence of the Virginia Defense Force.**
- **What the “*Military Laws of Virginia*” actually are + say.**
- **How those laws govern the roles/missions of the VDF.**
- **What those laws mean for you as a member of the VDF.**



## **Military Laws of Virginia (Specific to the VDF)**



**What do you think is meant by the term:**

***“Enabling Legislation”?***

**What do these two words actually mean to you?**





## **Military Laws of Virginia (Specific to the VDF)**



**Definition: For our purposes, the words *“Enabling Legislation”* describe a law, or a series of laws; that provide(s) a formal, legal, basis for the very existence, organization, and governance of any proposed organization that is created, and is intended to function, as an agency of government for the public’s good.**



## **Military Laws of Virginia (Specific to the VDF)**



**Therefore, *“Enabling Legislation”* is what makes the **Virginia Defense Force** (and all similar, officially recognized, state military forces) into *“just and legally constituted”* state militia/military forces.**

**That is; we (& they) have our reason for being fully justified and protected under all of those applicable state and federal military laws that govern such forces.**



# **Military Laws of Virginia (Specific to the VDF)**



**There are three (3), major pieces of enabling legislation that greatly impact the VDF:**

- **Title 32, Chapter 1, Subsection 109 of *The United States Code* (current version)**
- **Title 44, subsection 54 (Military Laws of Virginia), of *The Code of Virginia* (current version)**
- **National Guard Bureau Regulation #10-4 (dated October 1987)**

**We will briefly review certain specifics of the first two of these listed items.**



# **Military Laws of Virginia (Specific to the VDF)**



## **Title 32 Section 109, *The United States Code*:**

- ▶ **Concerns the lawful maintenance of troops other than the National Guards, and the several branches of the U.S. Armed Forces.**
- ▶ **In addition to their National Guards, Title 32 permits the states, Puerto Rico, Guam, the Virgin Islands, and the District of Columbia, to organize and maintain their own defense forces.**
- ▶ **It clearly states that SDF troops cannot ever be called, ordered, or drafted (en masse) into the U.S. Armed Forces.**
- ▶ **It stipulates that SDF members are not exempt from service in the U.S. Armed Forces but, as SDF members, we are not Federally recognized, so are not entitled to any pay, subsistence, transport, medical care or treatment, from the funds of the United States.**
- ▶ **A person may not become a SDF member if they are currently serving in a reserve component of the U.S. Armed Forces.**



## **Military Laws of Virginia (Specific to the VDF)**



**Title 44 of *The Code of Virginia*,**  
**contains all of the various Military  
Laws of the Commonwealth of  
Virginia; that govern the  
establishment; organization; training;  
equipping; maintenance; and  
discipline, of the several state  
military organizations/components  
that are currently authorized to exist  
under the laws of the Commonwealth  
of Virginia.**



# Military Laws of Virginia (Specific to the VDF)



**Title 44 describes two (2), different, and distinct, types, or classes, of state militia for Virginia:**

- ▶ **"The Organized Militia"** consisting of the following components: the Army National Guard; the Air National Guard; the State Defense Force; and the Naval Militia (the latter has not been activated as such).
- ▶ **"The Unorganized Militia"** which actually consists of every able-bodied citizen that resides in Virginia; between the ages of 17 and 65 years of age.
- ▶ If the Governor (as Commander-in-Chief) should call up all, or a part, of the *Unorganized Militia* to state active duty, they become a part of the State Defense Force.
- ▶ Thus, the VDF has a potential training mission, as well.





# **Military Laws of Virginia (Specific to the VDF)**



**Title 44-54.4 says what the *VDF is, and what it's size and organization and capabilities* must be:**

- ▶ **A targeted membership of at least 1,200 personnel, to be organized under the oversight, control, and direction of the **Virginia Department of Military Affairs (DMA)**.**
- ▶ **A reliable, competent, state military force that is always available/on call to respond to taskings by the Governor.**
- ▶ **An adequately trained, organized, reserve militia force to support & assist the VA National Guard; as needed.**
- ▶ **As such, we are, essentially a “**reserve**” or backup force for the VA NG; to assist them in covering all of their state missions and constabulary roles in emergency situations.**
- ▶ **Basically, we are to be a “force multiplier” for the VANG.**



# Military Laws of Virginia (Specific to the VDF)



**Title 44-54.4 says that the *VDF's SAD missions* are:**

- ▶ **To provide** an adequately trained, organized, reserve militia to assume control of State and Federal property.
- ▶ **To assist** in the mobilization of the VA National Guard.
- ▶ **To support** the VANG in providing family assistance to the family dependents of deployed VANG soldiers.
- ▶ **To be** a reliable, competent, state military force to respond to the call of the Governor in the event of:
  - ▶ Floods, hurricanes, fires, or other forms of natural + man-made disasters, in order to save lives, property, or the environment.
  - ▶ Lesser emergencies that may disrupt vital public services.
  - ▶ Invasion or insurrection, or the imminent threat of either.
  - ▶ The need (during emergencies only) to assist local and/or state law enforcement agencies to maintain a state of law + order.



# Military Laws of Virginia (Specific to the VDF)



**Title 44-54.4 goes on to describe two (2), different, and distinct, duty statuses for VDF members:**

- ▶ **“Training Duty,”** which is the normal, **non-paid status** & service performed by the VDF in order to be prepared for state active duty (SAD), and which includes (but is not limited to) organization; administration; recruiting; maintenance of equipment; and the training of its units.
- ▶ **“State Active Duty (SAD),”** which is the performance of actual state military service for the Commonwealth of Virginia, in a **paid status**; when called by the Governor.
- ▶ **Actually, there is one other, potential, duty status in which you may serve: “Temporary Duty” (or ‘TDY’).**



# **Military Laws of Virginia (Specific to the VDF)**



**Title 44-54.5 addresses the composition of units.**

- ▶ It stipulates that the organization and composition of VDF units shall be as prescribed by **the Adjutant General of Virginia** (typically written as **"TAG-VA"**).
- ▶ **TAG-VA** is, by law, the administrative and executive head of the **Virginia Department of Military Affairs (DMA)**; the state agency under which all components of the state's Organized Militia are established.
- ▶ **TAG-VA** is the highest ranking military officer in Virginia; and is usually a **Major General** (or **"MG"**).
- ▶ **The CG-VDF reports to TAG-VA.** **TAG-VA** reports to the **Secretary of Veterans' Affairs**; a cabinet-level post, who, in turn, reports to the **Governor**; our Commander-in-Chief.



# **Military Laws of Virginia (Specific to the VDF)**



## **Title 44-54.6 covers VDF appointments + enlistments**

- ▶ **The VDF shall consist of militia soldiers who are: volunteer recruits w/o any prior military service; prior or retired members of the U.S. Armed Services; and any members of the Unorganized Militia that might be drafted by the Governor to serve in times of emergencies.**
- ▶ **Most VDF members are volunteers who, of their own volition, agree to serve the state in conformity w/ all current VDF regulations and/or other rules established by TAG-VA, and the orders of their leaders.**
- ▶ **Potential VDF members must be citizens of VA (that do not have a felony criminal record); they must be in reasonably good health; who are at least eighteen (sixteen w/ parental permission), and are not more than sixty-five, years of age.**
- ▶ **Selected VDF members may be retained by order of TAG-VA, up to the age of seventy-five; as determined on a case-by-case basis.**
- ▶ **VDF officers are appointed to their ranks by order of the Governor.**



# **Military Laws of Virginia (Specific to the VDF)**



## **Title 44-54.7 covers Regulations governing the VDF**

- ▶ **All VDF recruiting, enlistments, appointments, retention, organization, administration, equipment, facilities, training, discipline, discharges, dismissals, wearing of the VDF uniform, appearance and personal conduct standards, shall be governed by regulations as prescribed by VDF headquarters, and approved by TAG.**
- ▶ ***(This law is generally typical of ALL U.S. military forces!)***
- ▶ **All such VDF regulations must be in conformity with **Title 44**, and all federal laws pertaining to state defense forces.**
- ▶ **Such VDF regulations shall, to the extent practicable, be consistent with the regulations governing the VA ARNG.**





# Military Laws of Virginia (Specific to the VDF)



- ▶ **Title 44-54.8** provides for, and empowers, the official **Administration of Oaths** by VDF Officers for all VDF Appointments and/or Enlistments *(This is a privilege!)*.
- ▶ **Title 44-54.9** states that **the uniform worn, and the dress and appearance standards adhered to by the VDF, shall be IAW regulations prescribed by TAG.** It also states that the VDF's rank/grade structure shall be the same as that for the VANG.
- ▶ **Title 44-54.10** stipulates that **every VDF member is subject to military discipline at all times, and in all duty statuses (no matter whether in non-paid or paid status).**
- ▶ ***Disciplinary infractions while VDF members are serving on SAD are punishable by a Court Martial; since we then are under the Uniform Code of Military Justice (UCMJ).***



## **Military Laws of Virginia (Specific to the VDF)**



- **Title 44-54.11** covers the issues of Discharges and Dismissals; stating that all VDF members are entitled to receive a formal discharge document whenever they leave the VDF; which shall reflect the character of their service: i.e. *Honorable*; *General (under Honorable Conditions)*; *General (under Less than Honorable Conditions)*; *Bad Conduct*; and/or even *Dishonorable*.
- It also states that a VDF member may be dismissed or discharged from the VDF prior to the expiration of a term of service by sentence of a court martial; or for misconduct, inefficiency, unsatisfactory participation, personal hardship, and/or at/for the convenience of the Commonwealth (*please remember this, OK?!).*
- **In no case shall a VDF member be discharged for/by reason of expiration of his/her term of service while he or she is serving on state active duty (SAD).**



# **Military Laws of Virginia (Specific to the VDF)**



**Title 44-54.12 addresses the specific issues of the VDF's Equipment, Use of State Facilities, and the general non-use of Firearms by VDF militia soldiers.**

▶ **As authorized by the Governor and funded by the General Assembly, the VDF shall be equipped as needed for training and for SAD. TAG, by regulation or otherwise, may authorize the use of privately owned real and personal property if deemed in the best interests of the Commonwealth.**

▶ **TAG may, at his discretion, authorize the use of NG armories and other state facilities under his control, for the VDF to use for the purposes of assembly, training, storing equipment, drilling, and instruction of VDF soldiers (*TAG has allowed this for 30+ years!*).**

▶ **VDF soldiers shall not be armed with firearms at any time; during training duty or SAD, except under very unusual circumstances & then only as authorized and directed by order of the Governor.**



# **Military Laws of Virginia (Specific to the VDF)**



**So, what do all of these laws actually require, and/or mean for you; as a new (or a relatively new) VDF soldier?**



# Military Laws of Virginia (Specific to the VDF)



- It means that you are now a critical player in a **lawfully constituted and thoughtfully organized state militia force**; one with a very long and proud heritage of selfless service to our state, and our nation.
- It means that **you are now a public servant of the Commonwealth of Virginia and** are regarded as such every time you wear the VDF uniform, so you now need to conduct yourself as a professional.
- It means that you need to learn our history; our culture; & adapt to our ways of doing things (even if you have prior military service).
- It means that you really need to take this volunteer commitment that you made by raising your right hand, very, very seriously.
- That means that you must try to attend all of your unit's drills; learn as much as you can; ask questions if you don't understand something or what is needed; and perform any/all assigned duties to the best of your abilities; at all times. ***It means be "credible!"***



# **Military Laws of Virginia (Specific to the VDF)**



**In summary, this class mainly was intended to provide you with the necessary background information about the history and many laws that govern our organization, so that you might become:**

- a more informed;**
- more aware;**
- and a more vital and important member of the VDF.**





# **Military Laws of Virginia (Specific to the VDF)**



**THE “BOTTOM LINE” MESSAGE HERE: You stepped up and volunteered to serve Virginia as a militia soldier in the VDF.....so now, we’re fully expecting you:**

- **To take your own place within our ranks.**
- **To become a fully capable militia soldier.**
- **To stand tall; and be both ‘creditable’ and a credit to the VDF & our Commonwealth.**
- **Become fully capable at, and of, the rank that you are wearing..... BE REAL!**



# Questions?